PRESERVED

P 13E

App. F. IX-4

1935.
(G.7.)

File No. 27-35
Serial Nos. 3-6

Previous References
G.7. 27-35 (1-2)

Letter References.
G7. 93-35 (1&2)
3719-41 Sl 182
G-7 258-43-1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 5

Part B for Jan 36

SUBJECT.

Legal opinion in the matter of rights of assignees

Note 52486 B 8.1.36

8(6)

WD 03607—GPB—22,500—2-8-35

To the Secy, Insurance Committee

Howard's legal opinion

Sl 1

2679 f35

M. S. L. I.
O. 20.

MYSORE STATE LIFE INSURANCE OFFICE.

FINANCIAL SECTION
29 OCT
No.

In reply please quote—
No. 7206
Encl.

G.T. 31-B

BANGALORE,
Dated, the 24th October 1935.

25.OCT.1935

FROM

FINANCIAL SECTION
30 OCT. 1935
GENL & REV. SECTS.

A. N. RAGHAVACHAR, Esq., M. A.,
Secretary, Mysore State Life Insurance Committee,
Bangalore.

To

S. SHAMANNA, Esq., B. A.,
Financial Secretary to the Government of His Highness
The Maharaja of Mysore, BANGALORE.

SIR,

Adverting to correspondence ending with your letter No. Fl.2129-G.F.27-35-2 dated 3-9-1935 forwarding a copy of legal opinion in the matter of the recognition of assignments under Public Branch Rule 22, I have the honour to invite kind reference to Note 1 to Rule 22 which seems to obviate the necessity for the Insurance Office to go into the merits of an assignment in-as-much-as it is not required to admit or express any opinion as to the form, legality, validity or effect of an assignment. If, however, the assignee is taken as clothed with all the rights of the insured it may be that this office will, in effect be accepting full responsibility regarding the Legal implications of an assignment. As such a recognition of the validity of an assignment does not seem to be warranted by Rules, I request you to kindly obtain further Legal opinion in the matter of clothing the assignee with all the rights of the insured which are not purely personal to the latter.

A

Legal opinion as to whether any alterations are necessary in the rule itself in order to avoid the practical difficulties arising under the circumstances may also be kindly obtained and communicated.

B.

I have the honour to be,
Sir,
Your most obedient servant,
G. Raghavachar
FOR SECRETARY,
INSURANCE COMMITTEE.

1) This may be referred to Law Section for furnishing opinion on A & B above. Subd: with refers & a copy of the P. B. Rules.

2) H. Seey) 31.10.35.

31/10.

MN. on 24/10

Law section

Serial No.

5) So long as the assignment is made in the form prescribed in rule 22, and registered as required there in, no one difficulty arise as contemplated in the P.W.D. seems to ~~expect~~. The mere fact that the assignee will be clothed with all the rights of the assignor, does not ~~give~~ compel the Committee to accept the validity or legality of the assignment. No further amendment to the rule seems necessary

11.4 Laws.

BD 11/11

6) Note 1 to rule 22 merely says that the Insurance office is not going to render any opinion legal or otherwise as regards the an assignment proposed. It is the business of the insured & the assignee to see that the assignment is in accordance with their intentions in the matter. But once the assignment is made & registered, then the insurance office is bound to take cognisance of it. If it is found to be an assignment out of and out of the insured's interest in the policy, the insurance office cannot refuse to recognise the assignee as being clothed with all the rights of the assignor, which are in law assignable.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

3)

1789/21

2679

File No. of 193 | General and Revenue Secretariat

But if however the assignment is such that the insured still retains some interest- Reversionary or otherwise in the policy, then of course the assignee's rights & interests will be in accordance with the terms of the assignment and the insurance office ~~Concern~~ has to deal with the assignee accordingly.

I do not ~~know what practical difficulties there are~~ know what practical difficulties are going to arise on account of these assignments. So far as I see rule 22 is all right & needs no alteration.

For Br) 13/11

Subd 13/11

13 NOV. 1935 GEN'L & REV. SECT.

8) The Secretary may perhaps be informed accordingly.

H Seey) 13/11/35

13/11

14/11/35

9)

10) Subtd with a draft 15/11

11) Issue 15/11/35.

TYPING SECTION 15 NOV 1935

Issued - No 41758 19-11-35. Enclosing a copy of the Legal opinion -

B 25/11

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

5 Letter no 10511 & 10412-35 from the Secy M.S.S.D. Committee Requests to be informed whether a certain expression in the Legal opinion furnished, could be interpreted to include certain rights not probably transferrable to the assignee.

12) Submitted ... May this be referred to the Law Deptt? Collection of 27-5-12 is also put up for reference.

13) To Secy) 13/12/35

14) 13/12

Law Deptt may 14/12/35

15) I agree that the 'rights' enumerated in the Secretary's letter of 10 Dec'1935 except perhaps as regards the right of nomination & the right of reviving a lapsed policy cannot be claimed by the assignee. I do not know what is meant by the "application of the Insurance Regn in respect of unnominated cases" and how this is a right.

16) As regards the right of nomination, the assignee can further assign his rights and as to this right of reviving a lapsed policy, he can of course do it if he can satisfy all the conditions required to get such a right.

Said 16/12

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

2679

245-1/2

File No. of 193 . | General and Revenue Secretariat

n) I wish to point out in this connection that it is rather difficult to give legal opinion on hypothetical questions such as are now being raised by the Committee. It is easier to give opinion on concrete cases arising for decision before the Committee because on many a question the application of a principle of law to ascertained facts is very different from a mere statement of the principle of law.

Asst Secy Fin with Comps } 26/12

26/12/35

Subtd:. May the Secy. Insurance Committee be communicated as above.

27/12

Yes.
27.12.35.

Draft subtd

28/12

Issue
28/12/35.

J. DEC. 1935 P
SECTT.

Issued vide No 71548 of 8-1-36 to the Secy M.S.L. Committee - Forwards Copy of the legal opinion furnished in the matter

B
W
4/1

Appendix F G—1]

SUBJECT .....

.....

.....

Section G.7 21-35

File No. ~~155-35~~

Serial No. 4

Diary No. of letter replied to .....

No. 4175-(1)

To

The Secy M.S.L.I. Committee

General and Revenue Secretariat

( )

the *193* .

Sir,

With reference to your letter no. 7206 d 25-10-35 requesting to be furnished with further legal opinion in the matter of ~~assignees~~ assignees rights and alteration of Rule 22 of P.Br. rules, I am directed to enclose a copy of the legal opinion* ~~furnished vide subjects~~

I have &c

Date of issue 19/11

Signed by ..... M'Nes

15/11/35

For Secy to Govt

* paras 6 & 7 of notes.

List of enclosures .....

Copied by .....

Examined by .....

WD 01956—GPB—22,500—12-5-34

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 4175(1) 4-7 Dated, Bangalore, 16th November 19 5

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary,
Mysore State Life Insurance Committee.

Sir,

With reference to your letter No.7206 dated 25th October 1935 requesting to be furnished with further legal opinion in the matter of rights of assignees and alteration of Rule 22 of Public Branch rules, I am directed to enclose a copy of the legal opinion

I have the honour to be,
Sir,
Your most obedient servant,

K Venkata Rao
Financial Secretary to Government.

G.F. 27-35-5

M. S. L. I.
O. 20.

MYSORE STATE LIFE INSURANCE OFFICE.

In reply please quote—
No. 105/11
Encl.

BANGALORE,
Dated, the 10 DEC. 1935 *193*

FINANCIAL SECRETARY
10 DEC. 1935
No.

FROM

A. N. RAGHAVACHAR, Esq., M.A.,
Secretary, Mysore State Life Insurance Committee,
Bangalore.

To

S. SHAMANNA, Esq., B.A.,
Financial Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

FINANCIAL
2457
11 DEC. 1935
GENL. & REV. SECTT.

SIR,

Adverting to correspondence ending with your letter No. Fl. 4175/G.F. dated 18-11-1935 furnishing further legal opinion in the matter of the rights of assignees etc., I have the honour to state that the expression "rights of the assignor, which are in Law assignable", used in the legal opinion is interpreted as "rights to deal with property and not rights with which the Policy-holder is invested by virtue of his position as an Insured." The following are probably, some of the rights of a purely personal nature which are not transferrable to the assignee:

1789

(1) Right of standing for election as a Committee Member or of electing one (Rule 4)

(2) Right of reviving a lapsed Policy (Rule 19)

(3) Making a nomination in respect of the Policy (Rules 22 and 23)

(4) Claiming exemption from payment of assignment fee under Note 1 to Rule 22

(5) Claiming exemption from stamp duty leviable in respect of assignments made on the reverse of the Policy

(6) Right of claiming that premium due may be recovered from pay, with the consequent privilege of protection from lapse under Para 2 of Rule 16

(7) Application of the Insurance Regulation in respect of unnominated cases.

I request that it may kindly be ascertained if the above interpretation of the legal opinion is correct

An early compliance is requested.

I have the honour to be,

Sir,

Your most obedient servant,

G Madhava Rao.

FOR SECRETARY,
Insurance Committee.

BSR 6/12

Appendix F G—1]

SUBJECT.....

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Section C. 7
File No. DR-35
Serial No. 6

Diary No. of letter replied to.....

No. 5486 (1)

To

The Secy M.S.L.D. Committee

Sir,

General and Revenue Secretariat

( )

the *193* .

With reference to your letter no 10511 & 10412-35. requesting to be informed whether certain expression in the Legal opinion regarding the rights of assignees to furnished ends be interpreted to include certain other rights, I am directed to enclose a copy of paras 15, 16, & 17 of the further Legal opinion* in the matter.

Thanks.

28/12/35.

For H. Secy to Govt

Date of issue 8/1/36

Signed by M. Rao

List of enclosures.....

Copied by MR 28/12

Examined by.....

WD 03601—GPB—30,000—23-9-35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 5486 (1) Dated, Bangalore, 8th January 1936

From G.T 27.35.6

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary, Mysore State Life Insurance Committee, Bangalore.

Sir,

With reference to your letter No. 10511 dated the 10th December 1935 requesting to be informed whether certain expression in the Legal opinion regarding the rights of assignees &c. furnished could be interpreted to include certain other rights, I am directed to enclose a copy of further legal opinion in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

M Shamanna

for Financial Secretary to Government

ML

C.R.G.2

9727-35
Legal opinion

I agree that the rights enumerated in the Secretary's letter of 10th December 1935 except perhaps as regards the right of nomination and the right of reviving a lapsed policy cannot be claimed by the assignee. I do not know what is meant by the "application of the Insurance Regulation in respect of unnominated cases" and how this is a right.

As regards the right of nomination, the assignee can further assign his rights and as to his right of reviving a lapsed policy, he can of course do it if he can satisfy all the conditions required to get such a right.

I wish to point out in this connection that it is rather difficult to give legal opinion on hypothetical questions such as are now being raised by the Committee. It is easier to give opinion on concrete cases arising for decision before the Committee because on many a question, the application of a principle of law to ascertained facts is very different from a mere statement of the principle of law.

C.R.C.2

GPB—3,000—1-9-13

No.

From

Secretary to the Government of His Highness
the Maharaja of Mysore, Genl. and Rev. Depts.

To

the 191

Genl. and Rev.
Secretariat.

Sir,